

evaluate Mr. Fisher's qualifications to a lifetime appointment on the federal bench. In all due respect to my friends on the other side of the aisle, I do not think that the courts or the American people gain by rushing the nomination through.

In addition to the pending civil rights judgment against him, I am concerned about other aspects of Mr. Fisher's record. He authored Pennsylvania's death penalty legislation as a State representative and has opposed placing a moratorium on the death penalty in Pennsylvania. He reiterated at his hearing and in response to my written questions that he does not believe that there is racial discrimination in the application of the death penalty in Pennsylvania or that innocent people are being sentenced in capital cases, despite repeated evidence to the contrary. I would like to take this opportunity to urge Mr. Fisher to take seriously the imposition of the death penalty and to do what he can to ensure that the death penalty is applied fairly.

Mr. Fisher has also indicated his opposition to gay rights and has advocated against benefits for same-sex partners. Mr. Fisher, however, has assured the committee that he would follow Supreme Court precedent recognizing that gays and lesbians have a constitutional right to be free from government intrusion into their private lives. I am hopeful that Mr. Fisher will be a person of his word: that he will follow the law and not seek out opportunities to overturn precedent or decide cases in accord with his private beliefs rather than his obligations as a judge. I also sincerely hope that Mr. Fisher will treat all those who appear before him with respect, and will not abuse the power and trust of his position.

The Senate has already confirmed two of President Bush's nominees to the Third Circuit, including one controversial circuit court nominee from Pennsylvania who had broken his promise to the committee about his membership in a discriminatory club. Yet, with Democratic support, the Senate has already confirmed 13 Federal district court nominees from Pennsylvania and 19 district court nominees in the Third Circuit.

A look at the Federal judiciary in Pennsylvania indicates that President Bush's nominees have been treated fairly and far better than President Clinton's. This treatment is in sharp contrast to the way vacancies in Pennsylvania were kept vacant during Republican control of the Senate when President Clinton was in the White House.

Despite the best efforts and diligence of the senior Senator from Pennsylvania, Senator SPETER, to secure the confirmation of all of the judicial nominees from every part of his home state, there were 10 nominees by President Clinton to Pennsylvania vacancies who never got a vote: Patrick Toole,

John Bingler, Robert Freedberg, Lynette Norton, Legrome Davis, David Fineman, David Cercone, Harry Litman, Stephen Lieberman, and Robert Cindrich to the Third Circuit. Despite how well-qualified these nominees were, they were never considered by the Senate, many waited more than a year for action.

Just last month, the Senate voted to confirm another nominee from Pennsylvania whose record raised serious concerns the nomination of Thomas Hardiman to the U.S. District Court for the Western District of Pennsylvania. That nominee came to us with no judicial experience, a relatively small amount of litigation experience and very low peer-review ratings by both the American Bar Association and the local Allegheny County Bar Association. Far too many of this President's judicial nominees seem to have similarly troubling records. In fact, 26 of this President's judicial nominees have earned partial or majority "Not Qualified" ratings from the ABA. Certainly, the citizens of Pennsylvania deserve a well-qualified judiciary to hear their important legal claims in federal court.

Unfortunately, Mr. Fisher's record—particularly the outstanding Federal civil rights verdict against him—raises concerns, just as the record of far too many of President Bush's judicial nominees. Yet, I have great respect for the senior Senator from Pennsylvania and appreciate his efforts to help shepherd the White House's nomination through the Senate. I have also heard from a number of other supporters of Mr. Fisher whose opinions I value that they believe him qualified to serve as a judge of the Third Circuit. He does have significant experience as an attorney, formerly serving as an Assistant District Attorney, as an attorney in private practice for over 27 years, and in the Pennsylvania General Assembly for 22 years. We are, again, treating this President's judicial nominees far more fairly than Republicans treated President Clinton's judicial nominees.

NOMINATION OF JAMES B. COMEY

Mr. HATCH. Mr. President, I am pleased that the Senate today confirmed James B. Comey as the Deputy Attorney General. James Comey brings a wealth of experience and perspective as a line prosecutor, as a manager in the U.S. Attorney's Office for the Eastern District of Virginia, and most recently as the U.S. attorney for the Southern District of New York. His record demonstrates that he is a leader, one who can inspire others to accomplish great things, and one who can oversee and manage an organization such as the Justice Department.

With the recent departure of Larry Thompson, who was a fine Deputy Attorney General, I am sure everyone shares my view that Mr. Comey has very big shoes to fill. However, I am confident that he is the right person

for the job. His impressive background and past government service make me confident that he will be a great asset to the Department of Justice, the Judiciary Committee, and the American people.

The importance of the Deputy Attorney General within the Justice Department cannot be overstated. Over the years, the Deputy Attorney General's Office has played a greater role in overseeing the Department's operations, implementing new policy initiatives, and ensuring the effective enforcement of our criminal and civil laws.

A review of Mr. Comey's record establishes one simple fact—he is well qualified to serve as the Deputy Attorney General. Since January 2002, Mr. Comey has served as the U.S. attorney in the Southern District of New York, an office that many consider to be the premier U.S. Attorney's Office in the country. In the Southern District of New York, Mr. Comey has earned the respect of judges, defense counsel, and prosecutors for his professionalism, fairness and judgment. While serving as the U.S. attorney, Mr. Comey was responsible for leading his office in some of the more significant terrorism and white collar prosecutions.

Prior to assuming the position as the U.S. attorney, Mr. Comey served from 1996 to 2001, as managing assistant U.S. attorney, in charge of the Richmond Division of the U.S. Attorney's Office for the Eastern District of Virginia. From 1993 to 1996, Mr. Comey was an associate and later a partner at the law firm of McGuire Woods in Richmond, VA. Early in his career, from 1987 to 1993, Mr. Comey served as an assistant U.S. attorney in the Southern District of New York.

As a Federal prosecutor, Mr. Comey investigated and prosecuted a wide variety of cases, including firearms, narcotics, major frauds, violent crime, public corruption, terrorism, and organized crime. In the Eastern District of Virginia, he handled the Khobar Towers terrorist bombing case, arising out of the June 1996 attack of a U.S. military facility in Saudi Arabia in which 19 airmen were killed.

Mr. Comey was educated at William & Mary, B.S. with honors 1982, chemistry and religion majors, and the University of Chicago Law School, J.D. 1985. After law school, he clerked for then-U.S. District Judge John Walker in Manhattan.

Let me take one moment to highlight perhaps Mr. Comey's most important accomplishment. While serving his country in a variety of prosecutorial positions, he has demonstrated that he is a dedicated family man. He and his lovely wife, Patrice, are raising five wonderful children, ranging in age from 15 to as young as 3 years old.

Mr. Comey is a dedicated public servant, and a talented and well-respected prosecutor. He is uniquely qualified to lead as the Deputy Attorney General of the Justice Department.

Mr. DASCHLE. Mr. President, I am very pleased that we have been able to

make what I consider real progress on the Executive Calendar. There is still work to be done, but I think this represents a very important compromise in the effort to try to find the bipartisan balance in these nominations that is key to success, regardless of the session or regardless of the Congress itself.

There are still many Democrats whose nominations are languishing either in the White House or in committee. It is troubling that we have had the difficulty, in many cases, that has precluded greater progress on those and other nominations over the course of the last several months. I hope, as we begin the second session of the Congress, we can expedite many of these nominees. I certainly will redouble our efforts to work with the White House and to accommodate whatever concerns they may have with regard to some nominations, and certainly with regard to their own list of nominees who ought to be considered in an expeditious way. So we will continue to work.

I hope the White House in particular recognizes the importance of reciprocity and the fact that the nominations must be a two-way street. Democratic and Republican nominations deserve expeditious consideration, and it would be a real opportunity to set that tone and to send that message as we consider the Executive Calendar again early next year.

I yield the floor.

Mr. FRIST. Mr. President, I wish to comment very briefly on the nominations. We have made real progress as we were able to clear the degree of nominations that we did. There are several district judges I would like to have cleared, but the understanding is that when we come back we will be able to address those very early on. That is the understanding we reached this afternoon. These judges are very important for us to address. We will be addressing those as soon as we come back.

ACCOMPLISHMENTS IN THE FIRST SESSION OF THE 108TH CONGRESS

Mr. FRIST. Mr. President, I want to talk a little bit about the 108th Congress because we are about to draw to a close once we complete some of the final paperwork. I think it is a good time for me to review just a bit of what we have been able to accomplish and what has been really a truly exceptional legislative session. People have worked very hard; they have stayed very focused, and I believe anyone looking back will have to say that over the last 11 months we really have been able to serve the American people well and, in many ways, capped by the historic enactment of the Medicare prescription drug bill just yesterday.

For the first time in the 40-year history of the Medicare Program, with which I am very familiar because of my profession before coming to the Senate,

Medicare will offer prescription drug coverage, which is the most powerful tool in American medicine today. That will be offered to America's 40 million seniors and individuals with disabilities through the Medicare Program. It is a monumental achievement that I can stand before this body today and say we have accomplished with the signing of that Medicare bill yesterday.

America's seniors will also have, for the first time, the option under Medicare of choosing a health care plan, or the type of coverage that can best suit their individual needs. Everybody's individual needs are very different. We have moved Medicare in the direction that allows this sort of flexibility, the individual attention, the responsiveness to individual needs. The seniors and the individuals on disability will now have that choice. These are reforms. This is a modernization, a strengthening and improving of Medicare, but they are indeed reforms.

That is why I say this is a monumental piece of legislation. It is the most significant reform since the beginning of that program in 1965. Although there was a lot of what I guess you could call partisanship expressed in the development of the bill, it was healthy debate on both sides; and ultimately the bill was generated by the hard work and dedication of both sides of the aisle.

I thank my fellow Senators, my colleagues, for their leadership and praise them for stepping forward and addressing an issue that so directly impacts the 40 million seniors and the almost 80 million baby boomers who will be coming through over the next 30 years.

It is that responsiveness, with action and with solutions, that indeed makes me proud as a Senator, and especially as majority leader of the Senate. It is an honor to be able to go back to the American people and say we delivered. It is not perfect. Everybody knows it is not perfect. But we delivered on what affects your lives in terms of your needs and in a way that is reflective of the tremendous talent in this body.

Back in January, we set an ambitious agenda. We said we needed to get the economy back on track; we needed to lend the critical support of this body to the war on terror; we needed to promote public health here as well as abroad. Most colleagues have heard me say that our mission under the current leadership is to move America forward and in a way that serves the cause of freedom and the cause of liberty. You can write it on a little card and carry it in your pocket. It is simple and easy to understand. That is what we collectively in this body set out to do—to expand freedom, to expand opportunity, to strengthen Americans' security.

Eleven months later, in looking back, we have done just that. We have made great strides on those goals, but it is sort of a halfway point. We set goals and we are moving toward them aggressively. We did so by respecting the longstanding Senate values of ci-

vility and trust—again, with healthy debate but civility and trust.

By building strong and reliable and dependable relationships, each of us is going to be able to go home and visit with our constituents and with the families, the people who elected us, and be proud of the accomplishments we have achieved over the last 11 months.

The year started out with us having to pass 12 of the 13 spending bills left undone by the previous Congress. We passed 11 of those bills in just the first 3 weeks. We also passed a budget to establish a blueprint of creating jobs, of investing in homeland security, of investing in education, of providing a Medicare prescription drug benefit and coverage, offering health insurance as well for America's children.

With that unfinished business of the last Congress complete, we turned our attention to the President's jobs and growth agenda. Indeed, working with the President and under the President's leadership and his vision, we passed \$350 billion in tax relief this year which is the third largest tax relief package. The third largest tax cut in the history of this country this Congress passed. Everybody—all of my colleagues, people listening now, people who will read the CONGRESSIONAL RECORD in the next several days—everybody who is paying taxes pays less taxes today than they did 11 months ago.

It was across the board. Yes, it was capital gains; it was affecting the marginal rates as well across the board. Mr. President, 136 million hard-working taxpaying Americans had their taxes cut. It did focus on families as well. We increased the child tax credit from \$600 per child to \$1,000 per child. We accomplished that this year.

A lot of people don't realize those rebate checks were sent out immediately and, as a result, this summer 25 million families received checks from the U.S. Treasury of up to \$400 per child, going from \$600 to \$1,000, and an additional check of \$400. In total, we returned 13.7 billion tax dollars to families all across the country. That was just the start.

Under that Jobs and Growth Act of 2003, a family of 4 making \$40,000 will see their taxes reduced by \$1,130 this year. Of the overall \$350 billion in tax cuts in fiscal relief, the bulk of it was moved forward, and nearly \$200 billion, fully 60 percent, is provided this year and next.

There have been critics of the tax cut. Some say \$1,300 is not a lot of money you are returning; \$1,300 is just not a lot; that is not going to make a big difference in somebody's life; and it wouldn't make a big difference if the bureaucrats took it away again. Tell that to the families working hard every day to raise children in this day and time, those families who are working hard to pay those household expenses. They are working hard just to have a little bit of money to take their family on vacation.

I can almost guarantee that the U.S. Treasury didn't get a flurry of checks